IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 365 of 2004 (M/B)

1. Rajiv Dora S/o Late Sri Ram Nath Dora
2. Sachin Dora s/o Late Sri Ram Nath Dora
   R/o Ward No. 7, Indra Colony,
   (Behind the Gurudwara),
   Khatima,
   District, Udhma Singh Nagar. …….. Petitioners.

Versus

1. The Allahabad Bank,
   through its Regional Manager,
   Regional Office, 1 Gandhi Road,
   Dehradun.
2. The Branch Manager,
   Allahabad Bank,
   Nogoun Khatima Branch,
   Khatima, District Udham Singh Nagar.
3. Sunil Dora S/o Later Sri Ram Nath Dora,
   Proprietor Selection Point,
   Main Crossing, Khatima,
   District Udham Singh Nagar. …….. Respondents

Mr. S.K. Mandal, Advocate for the petitioners.
Mr. K.K. Shah, Advocate for respondents Nos. 1 and 2.

JUDGMENT
Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. S.K. Mandal, Advocate for the petitioners.

Mr. K.K. Shah, Advocate for respondents Nos. 1 and 2.

None for respondent No.3.

2. Mr. K.K. Shah, the learned counsel for respondents Nos. 1 and 2 submits that during the pendency of the writ petition, the offer of One Time Settlement made by the petitioners to the Bank has been accepted by the Bank and in pursuance thereof, the amount due towards the Bank has also been received from the principal borrower. The learned counsel further submitted that in this view of the matter, the Bank does not propose to proceed further with the auction proceedings of the house question.

3. Mr. S.K. Mandal, the learned counsel for the petitioners, in view of the above developments during the pendency of the writ petition, seeks permission to withdraw the writ petition with the liberty of filing another if the further development so warrant.

4. Permission granted.

5. With the above liberty, the writ petition is dismissed as withdrawn.

(M.M. Ghildiyal, J.)
30.03.2006

(Rajeev Gupta, C.J.)
30.03.2006

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